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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/822,189 | 04/02/2001 | Akio Saito | 35.C15267 | 7310 |

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EXAMINER

TRAN, TRANG U

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2614

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,189

Applicant(s)

SAITO, AKIO

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 25-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25-33 are rejected under 35 U.S.C. 102(b) as being anticipated by LaJoie et al (US Patent No. 5,850,218).

In considering claim 25, LaJoie et al discloses all the claimed limitations, noted 1) the claimed inputting video data and program information data into an apparatus is met by the in-band tuner 41, an out-of-band tuner 42, and an out-of-band transmitter 43 (Fig. 3, col. 13, lines 6-21), 2) the claimed displaying video images of a first program derived from the input video data on a display device is met by the television (col. 14, lines 46-57), 3) the claimed displaying on the display device, in response to a change from the first program to a second program, program information for the second program derived from the program information data, together with video images for the second program derived from the input video data is met by the channel selection function (col. 15, lines 10-35), 4) the claimed displaying a setting screen for setting program information display parameters is met by a channel setting menu 190 and a general setting menu

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224 (Fig. 9, col. 19, line 39 to col. 20, line 36), and 5) the claimed wherein the program information is displayed on the display device in accordance with the program information display parameters set using the setting screen is met channel setting menu 190 and general setting menu 224 (Fig. 9, col. 19, line 39 to col. 20, line 36).

In considering claim 26, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the video data from the transport stream data received in said reception step is met by MPEG-2 decompress unit 33 (Fig. 3, col. 14, lines 31-39).

In considering claim 27, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the program information data from the transport stream data received in said reception step is met by the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 ("Fig. 4, col. 15, lines 10-35).

In considering claim 28, the claimed further comprising the step of storing in a memory the program information data derived in said deriving step, wherein the program information for the second program is derived from the program information data stored in the memory is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current

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program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 29, the claimed further comprising a manual setting step, of setting contents of the program information to be displayed in said program information displaying step is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36).

In considering claim 30, the claimed wherein said manual setting step includes setting at least one of a display timing, a display area, a display character size, a display method, a display speed, a number of display repetition, and display contents is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36).

In considering claim 31, the claimed wherein said program information display step includes displaying in response to turning on of the apparatus, the program information for the first program derived from the program information data, together with video images of the first program derived from the input video data is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 32, the claimed wherein said program information display step includes displaying program information for the second program on the display device in response to a broadcast end of the first program, followed by broadcast of the second program and display of the video images of the second program is also met by the capability of displaying the current channel's channel number 116, the current

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channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 33, the claimed wherein said program information displaying step includes displaying video images of the second program derived from the input video data include commercial video images and, in response to a change from the first program to the second program, the program information for the second program is displayed on the display device together with the commercial video images is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT
February 8, 2004


MICHAEL H. LEE
PRIMARY EXAMINER